

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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IN RE: NATIONAL FOOTBALL	:	No. 2:12-md-02323-AB
LEAGUE PLAYERS' CONCUSSION	:	
INJURY LITIGATION	:	MDL No. 2323
	:	<b>Hon. Anita B. Brody</b>
	:	Civ. Action No. 14-00029-AB
THIS DOCUMENT RELATES TO:	:	
ALL ACTIONS	:	

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**ORDER REGARDING PAYMENT OF ATTORNEYS' FEES AND EXPENSES**

Pursuant to the Court's continuing and exclusive jurisdiction under Article XXVII of the Amended Class Action Settlement Agreement filed on February 13, 2015 (the "Settlement Agreement"), and the May 8, 2015 Amended Final Approval Order and Judgment, **IT IS HEREBY ORDERED** as follows:

1. This Court's previous Orders concerning payment of attorneys' fees and expenses (Payment of Attorneys' Fees and Expenses on Funding Request No. 6, dated September 7, 2017 and filed at ECF No. 8357; Payment of Attorneys' Fees and Expenses on Funding Request No. 7 and Future Funding Requests, dated September 7, 2017 and filed at ECF No. 8358) are hereby rescinded.
2. In light of the Court's Memorandum of April 5, 2018 (ECF No. 9862) and corresponding Order of April 5, 2018 (ECF No. 9863), capping fees of Individually Retained Plaintiff's Attorneys' (IRPAs) fees at 22% of Monetary Awards plus reasonable costs, including the precautionary 5% withholding for the Common Benefit Fund, the Court now orders that:
  - a. IRPAs representing Settlement Class Members identified on Funding Request No. 6 may release from escrow their actual fees incurred, not to exceed 22% of the Settlement Class Member's Monetary Award amount after Derivative Claimant Award deduction, minus the precautionary 5% withholding for the Common Benefit Fund, plus reasonable expenses. To the extent IRPAs representing Settlement Class Members identified on Funding Request No. 6 have retained fees and expenses in escrow that exceed the permitted compensation, those IRPAs shall ensure that the balance is promptly paid to the applicable Settlement Class Members.
  - b. The Claims Administrator shall release to IRPAs the attorneys' fees and expenses the Claims Administrator has withheld, together with any investment earnings

attributable to those attorneys' fees and expenses while funds were withheld in the Monetary Award Fund, as calculated by the Trustee under the Settlement Trust Agreement.

- c. To the extent IRPAs receive an amount that exceeds the authorized IRPA compensation, those IRPAs shall ensure that the balance (with appropriate interest, as stated in 2 b. above) is promptly paid to the applicable Settlement Class Members.
  - i. To the extent IRPAs and/or Settlement Class Members have entered into contingency payment agreements with claims services providers (including, but not limited to, Case Strategies Group, f/k/a NFL Case Consulting, LLC, and Legacy Pro Sports, LLC), i.e., companies that purported to perform services related to registration, medical testing, preparing documentation for the filing of Claims, referrals to IRPAs and/or other acts in any way related to the Settlement on behalf of Settlement Class Members on a contingent fee basis, those payment agreements, together with any IRPA fees, are also subject to the cap of 22% of Monetary Awards plus reasonable costs, together with any IRPA contingent fee arrangement, including the precautionary 5% withholding for the Common Benefit Fund. To be clear, the contingency fees of the claims services provider and the IRPA, together, are subject to the fee cap capped at 17%.
- d. IRPAs are no longer required to provide the Claims Administrator with a statement of their contracted contingency fee and expenses. Additionally, the Claims Administrator is no longer directed to withhold attorneys' fees and expenses unless required under the Rules Governing Attorneys' Liens adopted by this Court on March 6, 2018 filed at ECF No. 9760 or the Rules Governing Petitions for Deviation from the Fee Cap adopted by this Court on May 3, 2018 filed at ECF No. 9956.

SO ORDERED this 27th day of June, 2018.

**s/Anita B. Brody**

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**Anita B. Brody**  
**United States District Court Judge**